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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,584	03/14/2001	John R. Jacobson	55559USA6A	3434

32692 7590 12/05/2002

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 12/05/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,584

Applicant(s)

JACOBSON ET AL.

Examiner

Laura E. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 36-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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*Election/Restrictions*

This application contains claims 36-56 drawn to an invention nonelected without traverse in Paper No. 5. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

*Claim Rejections - 35 USC § 102*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 9-16, 18-35, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Schafer (US 5,804,256) for the reasons set forth in the previous office action.

Claims 1, 3, 9, 11-13, 16, 18-20, 25-27, 32-35, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Schafer (US 5,863,620) for the reasons set forth in the previous office action.

Claims 1, 3, 9-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Knain (US 2,868,162) for the reasons set forth in the previous office action.

Claims 1, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schrauwers et al (US 5,476,545) for the reasons set forth in the previous office action.

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Claims 1, 9, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiraishi et al (EP 0648715).

Shiraishi et al teach an apparatus for coating articles comprising a roller applicator (5), a conveyor (8) for sequentially transporting articles to the applicator, and a metering bar or doctor (7) positioned against the applicator to meter a predetermined amount of coating to the applicator for transfer to an article transported to the applicator by the conveyor.

Claims 1, 10, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Rebentisch (US 3,818,860).

Rebentisch teaches an apparatus for coating articles comprising an applicator (3), a conveyor (not shown; see claim 1, c.) for sequentially transporting articles to the applicator, and a metering bar or doctor (6) positioned against the applicator to meter a predetermined amount of coating to the applicator for transfer to an article transported to the applicator by the conveyor.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schafer (US 5,804,256) for reasons set forth in the previous office action.

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Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schafer (US 5,804,256) in view of Kirk Othmer for reasons set forth in the previous office action.

Claims 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schafer (US 5,863,620) for reasons set forth in the previous office action.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knain (US 2,868,162) for reasons set forth in the previous office action.

Claims 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrauwers et al (US 5,476,545) for reasons set forth in the previous office action.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi et al (EP 0648715).

Shiraishi et al teach a coating apparatus as mentioned above but Shiraishi et al are silent concerning the apparatus being configured for coating rolls of tape, however, because the Shiraishi et al apparatus includes all the structure required and claimed, one of ordinary skill in the art would expect the Shiraishi et al apparatus to enable the coating of a variety of sizes of rolls of tape because of the supporting conveyor (8) disposed beneath the applicator roller.

***Response to Arguments***

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Applicants' arguments filed 10/7/02 have been fully considered but they are not persuasive.

Applicants contend that Schafer '256 does not teach or suggest a metering bar positioned against an applicator because the Schafer expressly states that a gap exists to define a desired film thickness. This argument is not deemed persuasive because 1) the drawings show the metering bar (4) against the applicator roller (1), 2) the gap being defined is that of the coating material which would provide a film of separation between the surface of the applicator roller and the surface of the metering bar but the applicator roller and metering roller remain positioned against one another, and 3) the metering bar by definition has to be positioned against the applicator roller or it would not function in the manner intended and that is to meter or remove a desired amount of coating material.

Applicants contend that Schafer '620 does not teach a metering bar positioned against the applicator because a narrow gap is expressly disclosed. This argument is not deemed persuasive for the same reasons set forth in reply to the previous argument to Schafer '256.

Applicants contend that Knain does not teach a metering bar positioned against an applicator to meter coating to the applicator for transfer to an article. This argument is not deemed persuasive because the metering bar (47) does enable metering of coating material from the applicator belt such that when the applicator belt further applies coating material to each article the coating remains uniform. Furthermore, Knain recognizes that a metering bar or roll (31) can be used to meter coating material to be applied to the article such that regardless, the claimed invention would remain anticipated by Knain.

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Applicants contend that Schrauwers et al do not teach a metering bar positioned against an applicator to meter coating to the applicator for transfer to an article but does so after the coating material has been applied to the article. This argument is not deemed persuasive because upon initiation of the coating system the applicator roller must be primed to apply a uniform coating to each article such that the metering bar (16) would ensure that a uniform amount of coating material would be metered and thereby applied to the applicator roller prior to an article even being supplied by the conveyor.

Applicants contend that all 103 rejections should be withdrawn because the 102 (b) rejections should be withdrawn in view of the arguments presented above. All 103 rejections remain as they are proper in view of proper 102(b) rejections for reasons set forth in response to the arguments above.

### *Conclusion*

Applicant's submission of an information disclosure statement filed as of 7/02 under 37 CFR 1.97(c) and payment of a fee set forth in 37 CFR 1.17(p) prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

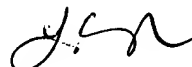
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on M-Th/First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and Same as above for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Laura E. Edwards  
Primary Examiner  
Art Unit 1734

le  
December 4, 2002